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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

RICHARD T. MOORE,

Plaintiff,

v.

WARDEN GENTRY, *et al.*,

Defendants.

Case No. 2:17-cv-02711-APG-GWF

ORDER

**I. DISCUSSION**

According to the Nevada Department of Corrections (“NDOC”) inmate database, Plaintiff is no longer at Warm Springs Correctional Center, which is the address listed with the Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff thirty (30) days from the date of entry of this order to file his updated address with this Court. If Plaintiff does not update the Court with his current address within thirty (30) days from the date of entry of this order, the Court will dismiss this action without prejudice.

The Court has also briefly reviewed Plaintiff's complaint and motion for appointment of counsel. (ECF Nos. 1-1, 2). While the Court will not screen Plaintiff's complaint at this time, it will address the motion for appointment of counsel. A litigant does not have a constitutional right to appointed counsel in 42 U.S.C. § 1983 civil rights claims. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). Pursuant to 28 U.S.C. § 1915(e)(1), "[t]he court may request an attorney to represent any person unable to afford counsel." However, the court will appoint counsel for indigent civil litigants only in "exceptional circumstances." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (§ 1983 action). "When determining whether 'exceptional circumstances' exist, a court must consider 'the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.'" *Id.* "Neither of these considerations is dispositive and instead must be viewed together." *Id.* In the instant case, the Court does not find exceptional circumstances that warrant the appointment of counsel. The Court denies the motion for appointment of counsel at this time, without prejudice.

## II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff shall file his updated address with the Court within thirty (30) days from the date of this order.

IT IS FURTHER ORDERED that the motion for appointment of counsel (ECF No. 2) is denied without prejudice.

IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, the Court shall dismiss this case without prejudice.

DATED THIS 22nd day of AUGUST 2018.

  
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GEORGE FOLEY, JR.  
UNITED STATES MAGISTRATE JUDGE